

Minutes

Regular Meeting of the Board of Trustees

Tuesday, June 4, 2019

Trustees Present:

Christopher Bell
Elaine Crider
Charlene Drew Jarvis
James Dyke
Reginald Felton
Ken Grossinger
Gwendolyn Lewis
Ronald Mason, ex-officio
Joella Roberts
Carolyn Rudd
Errol Schwartz
Barrington Scott
Jerome Shelton
Joshua Wyner*
*via telephone

Trustees Absent:

Esther Barazzone
Anthony Tardd

Executive Cabinet:

Lawrence Potter, Chief Academic Officer
Evola Bates, Chief of Staff
William Latham, Chief Student Development and Success Officer
Troy Lemaile-Stovall, Chief Operating Officer
Avis Russell, Acting General Counsel
Tony Summers, Chief Community College Officer

Staff Participants:

Juanita Gray, Director of Residence Life
April Massey, Dean, College of Arts & Sciences
Mohamad Sepehri, Dean, School of Business & Public Administration
Anika Burtin, Chair, Division of Education, Health and Social Work
Beverly Franklin, Executive Secretary, Office of the Board of Trustees

Call to Order and Roll Call

Chair Bell called the meeting to order at 6:02 p.m. Ms. Franklin called the roll, and a quorum was found to be present. Chair Bell reported that at the conclusion of the April 30, 2019, Board of Trustees meeting, an executive session was held. He read the following statement:

“At the April 30, 2019, Board of Trustees meeting, an executive session was held. All matters discussed in the executive session were proper.”

Approval of the Minutes – April 30, 2019

The Board of Trustees unanimously approved the minutes of the April 30, 2019, meeting.

Action Items

The Board of Trustees considered and took action on the following resolutions:

Board of Trustees

Chair Bell presented the first item for consideration, which was the notice of final rulemaking, amendment to 8B DCMR 411, business enterprises and sales of products and services. President Mason reported that this amendment would allow the University to sell produce from the farm. There was a public review process, and no comments were made. Chair Bell read a portion of the resolution into the official record.

Motion:

UDC Resolution No. 2019-21: Notice of Final Rulemaking, Amendment to 8B DCMR 411, Business Enterprises and Sales of Products and Services

WHEREAS, pursuant to D.C. Official Code § 38-1202.01(a), the Board of Trustees (“Board”); has the power to adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations it considers necessary for the governance and administration of the University; and

WHEREAS, pursuant to D.C. Official Code § 38-1202.06(13), it is the duty of the Board to perform such duties and make such regulations as may be necessary to carry out the purposes of the University and that such regulations are adopted in accordance with the provisions of D.C. Official Code § 2-505(a); and

WHEREAS, the University is seeking an amendment to 8B DCMR 411 in order to permit the University to engage in business activities, including the direct sales of goods and services to the general public; and

WHEREAS, the University’s auxiliary services department will provide oversight and ensure the University’s compliance with applicable laws and regulations pertaining to such activities.

WHEREAS, the substance of the proposed rule enacted herein was published on March 15, 2019 at 66 DCR 003082-003083 for a thirty (30) day public comment period in accordance with D.C. Official Code §2-505(a); and no public comment was received during the public comment period; and

WHEREAS, pursuant to 8B DCMR § 128.4, where no comments are received, the Chairperson of the Board committee may forward the rules for final adoption without committee action.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the University of the District of Columbia hereby amends Chapter 4 of the University Rules (Title 8B DCMR) to permit the University to engage in business activities as indicated in the Notice of Final Rulemaking attached hereto as Appendix A; and

BE IT FURTHER RESOLVED that the rules enacted herein shall take effect upon publication in the D.C. Register and that all prior inconsistent resolutions, customs, procedures and practices are hereby repealed.

The resolution was unanimously approved by the Board of Trustees.

Operations Committee

Operations Committee Chair Shelton recommended consideration and approval of the four resolutions reported out of the Operations Committee *en bloc*:

There was a brief discussion regarding the subsidy the University pays in connection with a housing lease, which Ms. Gray reported is for student athletes and DC-UP. She also noted that there were 111 students on a waiting list for housing last year. Of those students, the University

was able to move about 90 off the waiting list. She also indicated that there are 125 online applications [for the next year]. Of that number, 63 applicants have paid.

Chair Bell exercised executive privilege, and suspended discussion of the resolutions in order to recognize and welcome the distinguished guest, District of Columbia Mayor Muriel Bowser, to the Board of Trustees meeting. Mayor Bowser briefly spoke, and noted she would be spending the summer visiting independent boards and commissions. She welcomed questions from the Board of Trustees. President Mason thanked the Mayor for attending the meeting, and recognized Paul Kihn, Deputy Mayor of Education, who also was in attendance.

Chair Bell resumed consideration of the action items. With no further discussion regarding the four resolutions, Chair Bell read a portion of each resolution into the official record.

Motion:

UDC Resolution No. 2019-22: Notice of Proposed Rulemaking, Amendment to 8B DCMR Chapter 30, University Procurement Rules

WHEREAS, pursuant to D.C. Official Code § 38-1202.01(a), the Board of Trustees (“Board”); has the power to adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations it considers necessary for the governance and administration of the University of the District of Columbia (“University”); and

WHEREAS, pursuant to D.C. Official Code § 38-1202.06(13), it is the duty of the Board to perform such duties and make such regulations as may be necessary to carry out the purposes of the University and that such regulations are adopted in accordance with the provisions of D.C. Official Code § 2-505(a); and

WHEREAS, the University is seeking an amendment to 8B DCMR Chapter 30 in order to clarify that the University has determined it will follow the requirements of the Procurement Practices Reform Act of 2010 (“PPRA”) except as expressly provided in 8B DCMR Chapter 30; and

WHEREAS, the University’s Office of Strategic Sourcing and Procurement will provide oversight and ensure the University’s compliance with applicable laws and regulations pertaining to such activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of the University hereby takes proposed rulemaking action to amend Chapter 30 of the University Rules (Title 8B DCMR) to align those Rules with the PPRA as indicated in the Notice of Proposed Rulemaking attached hereto as Appendix A; and

BE IT FURTHER RESOLVED that the Acting General Counsel of the University is hereby directed to publish this Notice of Proposed Rulemaking in the D.C. Register as soon as is practicable for a comment period of not less than thirty (30) days, in accordance with the provisions of D.C. Official Code §2-505(a).

UDC Resolution No. 2019-23: Approval of the Memorandum of Understanding among the University of the District of Columbia (“University”), the District of Columbia Public Schools, and the District of Columbia’s Department of General Services, with respect to the use of certain facilities and property on the University’s Van Ness campus as swing space for Eaton Elementary School (“Memorandum of Understanding”)

WHEREAS, pursuant to D.C. Code § 38-1202.01(a), the Board of Trustees (“Board”) possesses all powers necessary or convenient to accomplish its statutorily prescribed objects and duties, including the power to make, deliver, and receive deeds, leases and other instruments; and

WHEREAS, pursuant to 8B DCMR §2100.1, the President of the University, subject to Board approval, is authorized to enter into real estate lease agreements with any person, partnership, corporation, or other entity; and

WHEREAS, pursuant to 8B DCMR §2101.1 the President of the University, subject to the approval of the Board of Trustees, is authorized and empowered to rent any building or land belonging to the University or under jurisdiction of the President, or any available space therein, whenever such building, land or space is not then required for the purpose for which it was acquired; and

WHEREAS, the space proposed to be used as swing space for Eaton Elementary is not required for any other purpose during the proposed term; and

WHEREAS, the University desires to enter into a Memorandum of Understanding with District of Columbia Public Schools and the District of Columbia's Department of General Services to establish the parameters of the use of designated University property and facilities as swing space for Eaton Elementary School, attached hereto as Appendix A.

NOW THEREFORE, BE IT RESOLVED, that subject to the required approval of the Council of the District of Columbia, the Memorandum of Understanding, attached hereto as Appendix A, is approved by the Board of Trustees in accordance with 8B DCMR §2101.1, and the President is hereby authorized to enter into the Memorandum of Understanding.

UDC Resolution No. 2019-24: Approval of a Sublease Agreement for the Property Located at 3100 Martin Luther King, Jr. Avenue, SE, Washington, DC between Old Congress Heights School Redevelopment Company, LLC, as Sublandlord, and the Board of Trustees of the University of the District of Columbia as Subtenant (the "Sublease Agreement")

WHEREAS, pursuant to D.C. Code § 38-1202.1(a)(5) and (6), the Board of Trustees ("Board") possesses all powers necessary or convenient to accomplish its statutorily prescribed objects and duties, including the power to make, deliver, and receive deeds, leases and other instruments and to take title to real and other property in its own name; and

WHEREAS, pursuant to 8B DCMR §2100.1, the President of the University of the District of Columbia ("University"), subject to Board approval, is authorized to enter into real estate lease agreements with any person, partnership, corporation, or other entity; and

WHEREAS, pursuant to 8B DCMR §2100.3, the President shall lease as he deems to be in the interest of the University and necessary for the accommodation of University activities; and

WHEREAS, pursuant to 8B DCMR §2100.7 and §2100.8 acquisition of space by lease will be by negotiation, and on the basis most favorable to the University with due consideration to maintenance and operation efficiency and only at charges consistent with prevailing scales in the community for comparable facilities; and

WHEREAS, pursuant to 8B DCMR §2100.9, approval of the Board is required for all leases and lease renewals; and

WHEREAS, leasing the approximately 71,800 rentable square feet of space at 3100 Martin Luther King, Jr. Ave SE is necessary for the accommodation of the University's needs for additional space for educational and administrative functions; and

WHEREAS, the Sublease Agreement was negotiated and the Administration has determined that the terms in the Sublease Agreement are most favorable to the University with due consideration to maintenance and operation efficiency and that the charges are consistent with prevailing scales in the community for comparable facilities; and

WHEREAS, the Sublease Agreement terms include an initial term of fifteen (15) years with two (2) options to purchase the Property at the end of the 6th year of the sublease term and at the end of the sublease term and two (2) options held by the University to extend the sublease term by five (5) years each, should the University not exercise the option to purchase; and

WHEREAS, the Sublease Agreement and any future exercise of any lease renewal option or purchase option by the University will require the approval of the Board and the Council of the District of Columbia ("Council") prior to entering into the Sublease Agreement and at the time such option is exercised, respectively.

NOW THEREFORE, BE IT RESOLVED, that, subject to the required approval of the Council, the Sublease Agreement, substantially in the form attached hereto as Appendix A, is approved by the Board in accordance with 8B DCMR §2100.1, and the President is hereby authorized to enter into the Sublease Agreement, substantially in the form attached hereto as Appendix A, on behalf of the Board; and

BE IT FURTHER RESOLVED, that as soon as practicable, the President is hereby directed to transmit the Sublease Agreement to the Council for its approval.

UDC Resolution N. 2019 – 25: Approval of Leasing Arrangement for Twenty-six (26) Units at 3003 Van Ness Street between Equity Residential Management, LLC on behalf of the Owner, as Landlord and the University of the District of Columbia as Tenant

WHEREAS, pursuant to D.C. Code § 38-1202.01 (a), the Board of Trustees ("Board") of the University of the District of Columbia (the "University") possesses all powers necessary or convenient to accomplish its statutorily prescribed objects and

duties, including the power to make, deliver, and receive deeds, leases and other instruments and to take title to real and other property in its own name; and

WHEREAS, pursuant to 8B DCMR §2100.1, the President of the University, subject to Board approval, is authorized to enter into real estate lease agreements with any person, partnership, corporation, or other entity; and

WHEREAS, pursuant to 8B DCMR §2100.3, the President shall lease as he deems to be in the interest of the University and necessary for the accommodation of University activities; and

WHEREAS, pursuant to 8B DCMR §2100.7 and §2100.8 acquisition of space by lease will be by negotiation, and on the basis most favorable to the University with due consideration to maintenance and operation efficiency and only at charges consistent with prevailing scales in the community for comparable facilities; and

WHEREAS, pursuant to 8B DCMR §2100.9, approval of the Board is required for all leases and lease renewals; and

WHEREAS, the University enrolls students from across the country and the world who need access to safe and affordable housing close to the Van Ness Campus, and the University currently has no on-campus student housing options; and

WHEREAS, the apartment leases have been negotiated on a basis most favorable to the University with due consideration to maintenance and operation efficiency, and the lease terms and conditions are normal and customary for leases of this type, and are consistent with prevailing scales in the community for comparable facilities; and

WHEREAS, the Board of Trustees previously approved the President of the University to enter into apartment leases at 3003 Van Ness on June 26, 2018; and

WHEREAS, the University now desires to renew the leases of 26 units at 3003 Van Ness to house student athletes, DC UP students, and the general student population in accordance with the 3003 Van Ness Residential Lease –Term Sheet (“3003 Sample Lease”) attached hereto as Appendix A, as modified by the letter agreement attached hereto as Appendix A-1.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes the President to take all necessary action to finalize the lease of twenty-six (26) residential units on the terms set forth in the Sample Lease, attached hereto as Appendix A, as modified by Appendix A-1.

The Board of Trustees unanimously approved the four resolutions *en bloc*.

Academic and Student Affairs

In the absence of the committee chair (Trustee Tardd), President Mason reported there were three tenure recommendations. He noted the deans would actually present the recommendations to the Board.

Dean Massey discussed the tenure application of Dr. Lawrence Potter, Chief Academic Officer. He is an accomplished humanist with credentials in literature and Africana studies. Dr. Potter requested an import of tenure earned at a previous institution. His application was vetted and reviewed by the program faculty in English, chairperson in English, faculty in the College of Arts and Sciences and Dean Massey. Dr. Potter is a sought-after intellectual, speaker, and chief diversity officer.

Chair Bell read a portion of the resolution into the official record.

Motion:

UDC Resolution No. 2019-26: Tenure Approval for Lawrence T. Potter, Jr., Ph.D., College of Arts & Sciences

WHEREAS, Lawrence T. Potter, Jr., Ph.D., the University of the District of Columbia’s recently hired Chief Academic Officer, holds credentials in English and has petitioned the University of the District of Columbia to be granted tenure in the department in which he is qualified, in recognition of the earned tenure he has vacated at his prior institution of higher learning; and

WHEREAS, pursuant to 8B DCMR §1462, April Massey, Ph.D., Dean of the College of Arts & Sciences, in conjunction with the English Program Faculty, has conducted a thorough review of Dr. Potter's background and record of achievements in teaching, scholarship and university and community service upon which his previous tenure was awarded, highlights of which are set forth on Appendix A attached hereto; and

WHEREAS, Dr. Potter was judged an outstanding professor with distinguished skills and expertise who meets the criteria by which University of the District of Columbia faculty are evaluated, based on the 7th Master Agreement, noting he displayed outstanding achievements in portfolio presentation, teaching effectiveness, scholarly and professional work, and university and community service, as well as a documented distinguished achievement in grant acquisition, and an outstanding track record in publication and program design; and

WHEREAS, the President has affirmed the recommendation of tenure for Dr. Potter from the Dean and the English Program Faculty of the College of Arts and Sciences, and the President has forwarded the recommendation for tenure to the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Lawrence T. Potter, Jr., Ph.D., College of Arts & Sciences, at the rank of Professor.

The resolution was unanimously approved.

Dean Sepehri highly recommended Dr. Yolandra Plummer, Associate Professor of Public Administration, for tenure. She is the Director of the PATHS and POWER grant program.

Chair Bell read a portion of the resolution into the official record.

Motion:

UDC Resolution No. 2019 – 27: Tenure Approval for Yolandra Plummer, Ph.D., School of Business and Public Administration

WHEREAS, Yolandra Plummer, Ph.D., is currently an Associate Professor in the School of Business and Public Administration (SBPA), and has petitioned the University of the District of Columbia to be granted tenure in the department in which she is qualified; and

WHEREAS, pursuant to 8B DCMR §1462, Mohamad Sepehri, Ph.D., Dean of SBPA, in conjunction with the SBPA Tenure Committee, has conducted a thorough review of Dr. Plummer's background and record of achievements in teaching, scholarship and university and community service, highlights of which are set forth on Appendix A attached hereto; and

WHEREAS, Dr. Plummer was judged an outstanding faculty member in the Public Administration program at SBPA with outstanding teaching ratings, who meets the criteria by which University of the District of Columbia faculty are evaluated, based on the 7th Master Agreement, noting she displayed good research productivity and grant acquisition and management; and

WHEREAS, the President and the Chief Academic Officer have affirmed the recommendation of tenure for Dr. Plummer from the Dean and the SBPA Tenure Committee, and the President has forwarded the recommendation for tenure to the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Yolandra Plummer Ph.D., School of Business and Public Administration, at the rank of Associate Professor.

The resolution was unanimously approved by the Board of Trustees.

Dean Sepehri presented the resolution for tenure approval for Tih Koon (Alex) Tan, Ph.D. who is an Associate Professor in the School of Business and Public Administration (SBPA). Dr. Tan is a Professor of Finance. He is leading the University's China Connection program. Through him, the University has signed agreements with Chinese universities. This fall, Chinese students will be coming to the University, and four of our students were going to China this summer for cross-exchange.

President Mason briefly discussed a project Dr. Tan worked on regarding a telecommunications system for South Africa. Professor Tan completed work on the project, which the firm responsible for the project said was some of the best work they had ever seen.

Dean Sepehri highly recommended Professor Tan for tenure.

Chair Bell read a portion of the resolution into the official record.

Motion:

UDC Resolution No. 2019-28: Tenure Approval for Tih Koon (Alex) Tan, Ph.D., School of Business and Public Administration

WHEREAS, Tih Koon (Alex) Tan, Ph.D., is currently an Associate Professor in the School of Business and Public Administration (SBPA), and has petitioned the University of the District of Columbia to be granted tenure in the department in which he is qualified; and

WHEREAS, pursuant to 8B DCMR §1462, Mohamad Sepehri, Ph.D., Dean of SBPA, in conjunction with the SBPA Tenure Committee, has conducted a thorough review of Dr. Tan's background and record of achievements in teaching, scholarship and university and community service, highlights of which are set forth on Appendix A attached hereto; and

WHEREAS, Dr. Tan was judged an outstanding faculty member in the Finance program at SBPA with outstanding teaching ratings, who meets the criteria by which University of the District of Columbia faculty are evaluated, based on the 7th Master Agreement, noting he displayed an unselfish commitment to UDC and the community at large and an impeccable record of intellectual and scholarly contributions; and

WHEREAS, the President and the Chief Academic Officer have affirmed the recommendation of tenure for Dr. Tan from the Dean and the SBPA Tenure Committee, and the President has forwarded the recommendation for tenure to the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Tih Koon (Alex) Tan Ph.D., School of Business and Public Administration, at the rank of Associate Professor.

The Board of Trustees unanimously approved the resolution.

Report of the Chairperson

Chair Bell recognized the new Student Representative to the Board of Trustees, Ms. Joella Roberts and noted that the Board looked forward to working with her. He also acknowledged former student trustee Sandra Nkamgna for her energy and information about the University experience. Chair Bell spoke about the 2019 Commencement and the two honorees, Congresswoman Maxine Waters and Reverend Jesse Jackson, and thanked the [Commencement] team for their work.

Chair Bell reported that Trustee Carolyn Rudd has been appointed to the UDC Foundation Board. In addition, Trustee Scott, who is a current member of the Foundation Board, will remain on that Board. He thanked both trustees for their willingness to serve on the Foundation Board. He also spoke about areas of focus: recruitment and retention. He noted that he looked forward to working with Trustees Rudd and Scott regarding fundraising.

Report of the President

President Mason briefly reviewed the President's report. He highlighted work being done with DC Public Schools and the C-16 Academy.

President Mason discussed the Workforce Development and Lifelong Learning [WDLL] graduation, which was held on June 1. There were about 200 graduates in the audience. Approximately 1,000 participants completed this year's certification programs. He shared the stories of two graduates who spoke: a returning citizen who is a certified nursing assistant, and a graduate who is a certified project manager.

President Mason reported that the University's Education Department is being rebuilt. Dr. Anika Burtin and her team and Dean Massey completed a self-study, and the [Education] program is now fully accredited. Dr. Burtin acknowledged the contributions and support of Ayanna Kelley (Education Program Director), members of the Education faculty, graduates and current students, and Dean Massey.

President Mason also spoke about IPPH [Institute of Politics, Policy and History], which is a partnership between the District and the University. IPPH will host an event on June 24 at 7 p.m. in the Student Center Ballroom called *Democracy in Peril*.

There also was a brief discussion regarding retention and intervention, and the President's visit to Cardoza Senior High School with the Enrollment Management Team.

Committee Reports

Executive Committee

No Committee Report.

Committee of the Whole

No Committee Report.

Committee on Student Outcomes

Trustee Wyner reported that at the last meeting, there was a discussion regarding the information presented in the Fact Book, and aligning the data with data templates. He also noted that at the meeting, the committee learned that some items that relate to student outcomes are addressed at the Academic and Student Affairs Committee meetings. The two committee chairs will meet to determine which items should also come to the Student Outcomes Committee.

Academic and Student Affairs Committee

Trustee Tardd, Chair of the Academic and Student Affairs Committee, was not able to attend the meeting. Trustee Jarvis acknowledged the Community College, which had some significant outcomes creating pathways from the two-year program to the four-year program. The Mortuary Science program was approved for accreditation. The Nursing program is up for reaccreditation.

Alumni Task Force

Trustee Shelton reported that alumni are planning a picnic in August on the Van Ness Campus. Trustee Scott is working on the picnic, and said information regarding the event would be provided soon.

Communications Task Force

Chair Bell reported that the Student Trustee will be engaged in this Task Force. He asked that when Ms. Roberts hosts events and presentations, to let the Board know the results.

Operations Committee

Trustee Shelton discussed his visit to the Old Congress Heights School, which is a historical landmark. He thanked the facilities team and Dr. Summers for providing the opportunity to visit the school.

Audit, Budget and Finance Committee

Trustee Jarvis reported that the Chief Operating Officer [Troy LeMaile-Stovall] has provided first- and second-quarter highlights. The University is on track to complete the fiscal year within the budget. Revenues are at 50 percent of the budget. Expenses had a burn rate of about 45 percent, which is good for the second quarter. The Council approved a one-time adjustment to the FY19 budget of \$75,000 for the Institute of Public Policy and History. The capital budget for FY19 is \$27 million. Plans for the capital budget include renovation of Building 41.

Unfinished Business

Each Trustee was introduced to Trustee Roberts, who was elected to the Board of Trustees in May 2019.

New Business

Trustee Bell stated that the next regular meeting of the Board of Trustees will be held on September 10.

Trustee Scott briefly spoke about recognizing the top ten students with academic achievement award pavers. The presentation will be held in November during Homecoming, when the graduates return and are recognized for their achievements. He asked the Trustees to consider making a contribution.

Chair Bell thanked the Mayor and the Deputy Mayor for Education for attending the meeting.

With no further discussion, the meeting was adjourned at 7:01 p.m.

Secretary's Signature

Date